

ITEM NO.1706

COURT NO.11

SECTION IV-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 18337/2021

K.S. MURALIDHAR

Petitioner(s)

VERSUS

R. SUBBULAKSHMI & ANR.

Respondent(s)

(I.A. No. 83158/2022 (Dispensing with service of notice in respect of R. No. 1)

IA No. 83158/2022 - DISPENSING WITH SERVICE OF NOTICE)

Date : 08-08-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.T. RAVIKUMAR
[IN CHAMBER]

For Petitioner(s) Mr. Rohan Thawani, Adv.
 Ms. Pooja Dhar, AOR
 Mr. Pratul Pratap Singh, Adv.
 Mr. Mantavya Sharma, Adv.

For Respondent(s) Mr. Rohit K. Sinha. Adv.
 Mr. Indrajeet Singh, Adv.
 Mr. T. Mahipal, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. No. 83158/2022

This application is filed seeking to dispense with a notice to respondent No. 1, who is owner of the Motor Accident Claims Tribunal. A pursual of the Interlocutory Application would reveal that the petitioner seeks such a relief on the basis that in the proceedings before the High Court, despite issuance of notice, the first respondent, herein, had not entered appearance. However, that can be a reason for dispensing notice to respondent No. 1 in the circumstances obtained. As per the impugned order, an amount of Rs.

58,09,930/- (Rupees Fifty Eight Lakhs Nine Thousand Nine Hundred Thirty only) was awarded to the petitioner as compensation and the petitioner virtually seeks for enhancing the same to Rs. 78,16,000/- (Rupees Seventy Eight Lakhs Sixteen Thousand only). In the said circumstances, the petitioner is not justified in seeking to dispense with issuance of notice to Respondent No. 1 even without attempting to serve notice on the said respondent as he being the person initially to be saddled with the liability. In such circumstances, the application cannot be allowed at this stage. In such circumstances, the application stands dismissed. The petitioner shall take out notice to the first respondent who is the owner of the Motor Accident Claims Tribunal .

It will open to the petitioner to apply for substitutive service, appropriately.

(SNEHA)
SENIOR PERSONAL ASSISTANT

(BEENA JOLLY)
COURT MASTER (NSH)